IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3247 OF 2006

Vijay Shivtale .. Applicant

Versus

Ramesh Vaja Rabdi & Ors. .. Respondents

Mr.Girish Kulkarni for applicant

Mr.Y.M.Nakhwa, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 14th November 2006.

P.C.

. Heard Mr.Kulkarni for original complainant. Perused the order passed by the Additional Sessions Judge on Anticipatory Bail

Application No.862 of 2006.

2. In my view, learned Judge has considered the application within the parameters laid down by Section 438 of Cr.P.C. and has made observations at the prima facie stage in para 10 of the order dated 4th August 2006. As rightly observed by the learned Judge, the controversy appears to be arising out of right, title and interest of the parties in the immovable property. Learned Judge has, therefore, observed that the ingredients of section 438 are satisfied and no custodial interrogation is necessary. Application dismissed.

3. However, it is clarified that dismissal of this application so also observations of the learned Additional Sessions Judge shall not influence the court while deciding the criminal case, so also while deciding any interlocutory applications in the pending civil suit.

(S.C.Dharmadhikari, J)